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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/752,899 | 01/07/2004 | Nikola Dragov | 60148.0002US01 | 5092 |
| 7590 01/24/2006 | | | EXAMINER | |
| Merchant & Gould P.C. P.O. Box 2903 Minneapolis, MN 55402-0903 | | | TAWFIK, SAMEH | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3721 | |
| DATE MAILED: 01/24/2006 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

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|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/752,899 | DRAGOV, NIKOLA | |
| | Examiner | Art Unit | |
| | Sameh H. Tawfik | 3721 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-11 is/are pending in the application.
- 4a) Of the above claim(s) 1-5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

This application contains claims 1-5 drawn to an invention nonelected in Paper No. 09272004. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 7, 8, 10, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsuji et al. (U.S. Patent No. 5,230,146).

Tsuji discloses packaging comprising a template carrier with an upper surface (Figs. 7-9; via surfaces of cover 22) for receiving a cable (10) harness as formed with loops, the carrier having a plurality of openings sized (via grooves on 22) and located to permit corresponding loops of the cable harness to slide through so that the loops depend below the carrier (Figs. 7-9); the carrier having fixing points (via by rods 21) at predetermined locations thereon for receiving and connecting to the holding points (via 21) of the cable harness so that the holding points position the cable harness formed with loops at a predetermined position with respect to the carrier and the loop receiving openings therein during packing, transport and unpacking of the cable harness (Figs. 1-9 and 11) and a packaging enclosure configured to receive the carrier in predetermined relation (Figs. 1-9 and 11; via case/box 42) so that the loops depending below the

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carrier are disposed in predetermined order within the packaging enclosure; whereby the looped cable harness remains in the predetermined order within the packaging enclosure during the packaging, transport, and un-packaging of the cable harness, see for example (Figs. 1-9 and 11).

Note that the claims are product claims, which not given much patentable weight to whatever inside the packaging as long as the packaging is capable of transporting cables.

Regarding claim 7: characterized in that the carrier (18) has markings, which allow the packaging device or unpacking device to identify the position of the carrier and its fixing points, e.g., optically, magnetically, electrically, or by touch (Fig. 7; via rod 21 moves up and down between carrier 18).

Regarding claim 8: a cable harness (10), characterized in that the holding points (via 21) of the cable harness (10) represent markings, which allow the packaging device or unpacking device to identify the position of the carrier and its fixing points, e.g., optically, magnetically, electrically, or by touch (Fig. 7; via by using rod 21 between rollers 18).

Regarding claim 10: characterized in that the fixing points for the holding points are cut-outs in the carrier (18); via the space between rollers 18 to permit 21 move up and down in between them.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuji et al. (U.S. Patent No. 5,230,146).

Tsuji does not disclose that the packaging enclosure (41) consists of corrugated cardboard. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have substituted Tsuji's enclosure 41, by having corrugated cardboard enclosure, as a matter of engineering design choice, in order to use lighter enclosure and make it easier for moving the enclosure around. Alternatively, the examiner takes an official notice that using cardboard containers for such packaging is old, well known, and available in the art.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is 571-272-4470. The examiner can normally be reached on Tuesday - Friday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sameh H. Tawfik
Patent Examiner
Art Unit 3721



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